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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 LINDA VOPNFORD,

11 Plaintiff,

12 v.

13 WELLCARE HEALTH PLANS, et  
14 al.,

15 Defendants.

CASE NO. C16-1835JLR

ORDER DENYING MOTION TO  
EXTEND DISPOSITIVE  
MOTIONS DEADLINE

16 On June 25, 2018, Plaintiff Linda Vopnford moved for a three-week extension of  
17 the dispositive motions deadline on June 26, 2018. (Mot. (Dkt. # 76) at 2; *see* Sched.  
18 Order (Dkt. # 24).) Ms. Vopnford's counsel represents that he has been engaged in other  
19 matters and that his co-counsel, who would have authored Ms. Vopnford's dispositive  
20 motion, "has been away on a long-scheduled rafting trip." (Mot. at 2; Hildes Decl. (Dkt.  
21 # 77) ¶¶ 2-4.)  
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1 Federal Rule of Civil Procedure 16 provides that a schedule may be modified only  
2 for good cause and with the judge's consent. Fed. R. Civ. P. 16(b)(4). "Good cause" for  
3 the purposes of Rule 16 focuses on the diligence of the party seeking to modify the  
4 pre-trial scheduling order. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607-08  
5 (9th Cir. 1992). Parties must "diligently attempt to adhere to that schedule throughout the  
6 subsequent course of the litigation." *Jackson v. Laureate, Inc.*, 186 F.R.D. 605, 607  
7 (E.D. Cal. 1999). In part, the "good cause" standard requires the parties to demonstrate  
8 that "noncompliance with a Rule 16 deadline occurred or will occur, notwithstanding [the  
9 parties'] diligent efforts to comply, because of the development of matters which could  
10 not have been reasonably foreseen or anticipated at the time of the Rule 16 scheduling  
11 conference." *Id.* at 608.

12 The court issues scheduling orders setting trial dates and related dates to provide a  
13 reasonable schedule for the resolution of disputes. The schedule generally provides 90  
14 days between the deadline for filing dispositive motions and the trial date. This 90-day  
15 period takes into account: (a) an approximate 30-day lag between the date a party files a  
16 motion and the date that motion becomes ripe for the court's consideration, *see* Local  
17 Rules W.D. Wash. LCR 7(d)(3); and (b) an additional 30 days during which the court  
18 endeavors to rule on the motion, *id.* LCR 7(b)(5). Anything short of a 90-day period  
19 leaves inadequate time for the parties to consider the court's ruling and plan for trial or an  
20 alternate resolution.

21 In contravention of the principles outlined above, Ms. Vopnford's motion would  
22 set the dispositive motions deadline fewer than 90 days before trial. (*See* Sched. Order at

1 (setting trial for September 24, 2018).) Moreover, Ms. Vopnford fails to offer good  
2 cause to justify the requested extension. For example, Ms. Vopnford does not explain  
3 why her counsel could not have previously anticipated the workload presented by other  
4 matters or the rafting trip that had been “long-scheduled.” (*See Mot.*); *Jackson*, 186  
5 F.R.D. at 608. Accordingly, the court DENIES Ms. Vopnford’s motion to extend the  
6 dispositive motions deadline (Dkt. # 76).

7 Dated this 26<sup>th</sup> day of June, 2018.

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9 JAMES L. ROBART  
10 United States District Judge  
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